

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/541,430	OTA, HIDENARI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Erica E. Cadugan	3722	

All participants (applicant, applicant's representative, PTO personnel):

(1) Erica E. Cadugan. (3) \_\_\_\_\_.

(2) Mr. John McNulty. (4) \_\_\_\_\_.

Date of Interview: 28 February 2007.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-6.

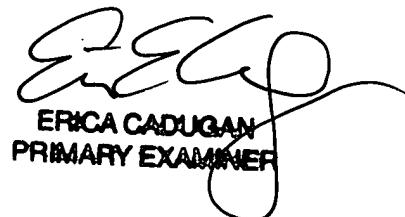
Identification of prior art discussed: US Patent Publication 2006/0130311, WO 02/00388 to Geiger et al., U.S. Pat. No. 6,826,821 to Geiger et al.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner proposed the attached Examiner's Amendment. Applicant indicated that they would prefer to receive an action at this time.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



ERICA CADUGAN  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3259
CONNECTION TEL	2155675057
SUBADDRESS	
CONNECTION ID	PAUL&PAUL
ST. TIME	02/26 15:22
USAGE T	02'47
PGS. SENT	6
RESULT	OK

ATTACHMENT TO  
INTERVIEW  
SUMMARY



## UNITED STATES PATENT AND TRADEMARK OFFICE

ATTACHMENT TO  
INTERVIEW  
SUMMARY

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## Fax Cover Sheet

Date: 26 Feb 2007

To: Mr. John McNulty	From: Erica E. Cadugan			
Application/Control Number: 10/541,430	Art Unit: 3722			
Fax No.: 215 567-5057	Phone No.: (571) 272-4474			
Voice No.: 215-568-4900	Return Fax No.: (571) 273-8300 (official)			
Re: docket no. 235-05	CC:			
<input checked="" type="checkbox"/> Urgent	<input checked="" type="checkbox"/> For Review	<input type="checkbox"/> For Comment	<input checked="" type="checkbox"/> For Reply	<input type="checkbox"/> Per Your Request

## Comments:

Proposed Examiner's Amendment, as mentioned in our telephone conversation earlier today. As discussed, if at all possible, I would appreciate a response by Wed. afternoon/Thursday morning.

Please let me know if there are any questions.

Thank you,

Erica Cadugan  
Primary Examiner  
Art Unit 3722

Number of pages 10 including this page

## STATEMENT OF CONFIDENTIALITY

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**Proposed EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with \*\*\* on \*\*\*.

The application has been amended as follows:

Claim 1 (Currently Amended). A machine tool facility equipped with a pallet exchanger for automatically exchanging pallets mounted on a table or on a pallet-mounting plate, comprising:

a machine tool having a main spindle supported to rotate about a horizontal axis and for mounting a tool on the front end thereof, and [a] the table or [a] the pallet-mounting plate facing the front surface of the main spindle and for detachably attaching a pallet to a vertical surface of the table of pallet-mounting face plate, the machine tool being designed to machine [the] a work fixed to a vertical work-attachment surface of the pallet; [and]

[a] the pallet exchanger having a base provided neighboring the table or the pallet-mounting plate and serving as a base plate for the pallet exchanger, a pallet support member provided on the base so as to rotate about a vertical axis thereof in an indexing manner, having at least two vertical pallet-mounting surfaces and detachably mounting the pallet, and pallet-moving means for moving the pallet, in a vertical state wherein the vertical work attachment

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surface remains vertical, between the table or the pallet-mounting plate and the pallet support member to exchange the pallets; and

at least one pallet stocker provided near the pallet exchanger to detachably hold at least one of the pallets in the vertical state, and wherein the at least one pallet is moved in the vertical state by using the pallet-moving means so as to exchange the at least one pallet between the at least one pallet stocker and the pallet support member.

Claim 2 (Currently Amended). The machine tool facility as set forth in claim 1, wherein the pallet support member of the pallet exchanger is disposed at a position on an extension of the table or the pallet-mounting plate in a horizontal direction at right angles with the axis of the main spindle, and the pallet-mounting surface of the pallet support member on [the] a pallet moving side is constituted to be in parallel with the pallet-mounting surface of the table or the pallet-mounting plate.

Claim 3 (Currently Amended). The machine tool facility as set forth in claim 1 or 2, [further comprising at least one pallet stocker provided near the pallet exchanger to detachably hold the pallet in a vertical state, and to move] wherein the movement of the at least one pallet in [a] the vertical state between the at least one pallet stocker and the pallet support member occurs by using the pallet-moving means in [the] a radial direction of [the] a rotary circle of motion of the pallet support member [so as to exchange the pallet relative to the pallet support member].

Claim 4 (Currently Amended). The machine tool facility as set forth in claim 1, wherein the base of the pallet exchanger travels on a track laid in a horizontal direction at right angles with the pallet-mounting surface of the table or the pallet-mounting plate, the at least one pallet stocker detachably holding the at least one [pallets] pallet in the vertical state is disposed near the

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track and, after the pallet support member and the at least one pallet stocker are aligned with each other, the at least one pallet is moved in the vertical state and is exchanged between the pallet support member and the at least one pallet stocker by the pallet-moving means.

Claim 5 (Currently Amended). The machine tool facility as set forth in claim 4, wherein a plurality of machine tools are arranged on one side or on both sides of the track, and the pallets are moved in the vertical state and are exchanged between a plurality of the pallet stockers and the plurality of machine tools by the pallet exchanger traveling on the track.

Claim 6 (Currently Amended). The machine tool facility as set forth in claim 1, wherein the pallet exchanger can be mounted on either a fixed-type base with which the pallet support member and the pallet moving means are used by being fixed onto the floor, or on a traveling-type base and the pallet support member and the pallet-moving means are used while traveling on [the] a track.

Firstly, Examiner notes that searching uncovered U.S. Patent Publication 2006/0130311 to Kikuchi, which is a publication of application no. 10/544,192. It is noted that Mr. McNulty is also the attorney of record in that case, and that said case, while having a completely different inventive entity, is assigned to the same assignee as the present case.

That being said, the last paragraph addition to independent claim 1 above would preclude any sort of obvious-type double patenting rejection of claims 1-2, as well as the rejections of at least claims 1-2 under 35 USC 102(f) and/or (g) based on the aforedescribed '192 application (see the flow chart in MPEP section 801, for example, regarding such issues between copending

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applications wherein the inventive entity is different, but the assignee is the same, as well as MPEP section 2137, for example).

Additionally, WO 02/00388 to Geiger et al has a publication date of January 3, 2002, and is thus available as prior art under 35 USC 102(b) against the claims. WO '388 is not in the English language. However, U.S. Pat. No. 6,826,821 to Geiger et al. is in the same patent family, and is being relied upon as an English equivalent to the WO '388 reference. Thus, all references to column and line numbers herein are with respect to the '821 patent.

Geiger teaches a machine tool system including a plurality of machine tools 36 (36a-36f) laid out in various configurations (see Figures 4 and 14, for example; Figure 1 shows a detail of an individual machine tool 36). Note that Geiger teaches a machine tool having a horizontal main spindle 10 having a tool 16 mounted at a front end thereof, and "table" or "pallet-mounting plate" 26/29 is mounted "facing" the front surface of the spindle 10, and detachably mounts a "pallet" 31 which has a vertical surface to/on which a workpiece 15 is affixed (see Figures 1, 7, noting that Figure 7 shows the table/pallet-mounting plate 26/29 positioned facing the spindle 10, noting also that 26 is a turntable device for rotating member 29 about a vertical axis.

Additionally, note that Geiger teaches various embodiments of a supply and take-down equipment arrangement or "pallet exchanger" 41, 61, 72 (see Figures 1 and 8-14) which are used to deliver a pallet 31 to or remove a pallet 31 from a desired machine tool 36a-f (see especially figures 4 and 14), and which pallet exchangers travel along a "track" 38 from one machine tool to another, and back and forth from a "pallet stocker" area 59/60, see Figure4, for example, also col. 5, lines 7-21, for example. For example, "pallet exchanger" 61 is shown in Figures 8-12,

and has a “base”, such as, for example, element 42 (other elements could likewise or alternatively be considered a “base” as broadly claimed), a “pallet support member” including, for example, at least element 55 (see Figures 9-12) which rotates about vertical axis 68 “in an indexing manner” (see col. 6, lines 2-26, for example, and especially note the pivoting or rotating motion as illustrated in Figures 10-12, which illustrate the rotation movement of 55 about the vertical pivot axis 68, described specifically as vertical in col. 6, line 11). Further note that the “pallet support member”, which includes at least element 55, includes “at least two vertical pallet-mounting surfaces”, such as the vertical pallet gripping surfaces on the gripper jaws 56 of element 55 (note that in Figure 9, axis 68 is the vertical rotation axis, and that jaws 56 have pallet gripping surfaces that are parallel to that axis). Additionally, re the claimed “pallet moving means”, note that the motor 69 and gearbox 66 are used to perform the rotation motion of 55 about the vertical axis 68, and are thus considered to be the claimed “pallet-moving means for moving the pallet (31), in a vertical state”, between the table/pallet-mounting plate 26/29 and the “pallet support member” including at least 55 to thereby exchange the pallets (see Figures 8-14 and col. 6, lines 2-26).